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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,720	06/25/2001	Majo Cecur	98-ECE-809	5993

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EXAMINER

RIDDLE, KYLE M

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/806,720

Applicant(s)

CECUR, MAJO

Examiner

Kyle M. Riddle

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 5-17, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Page 11 of the amended sheet, line 7, "characterised" should read --characterized--. Appropriate correction is required.
2. Claims 5-17, 21, and 22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim --should refer to other claims in the alternative only--, and/or, --cannot depend from any other multiple dependent claim--. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, on page 11 of the amended sheet, claim 4, second line of the claim, the claim describes a "lever of the first order" which is unknown to the examiner and is not described in the specification.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3748

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Simko (U.S. Patent 4,682,575).

Simko discloses a high speed rocker arm comprising:

- a valve train with a plurality of rocker arm fulcra 42 (column 3, lines 16-22);
- a plurality of rocker arms 32 attached to and pivotable about fulcra 42 (column 2, lines 45-60);
- a camshaft having cam lobes 26 engaging roller followers 28 at the end of rocker arms 32 (column 2, lines 44-46);
- the rocker arm being of a U-shaped construction (column 2, lines 47-48) and the valve train or camshaft being constructed separately (column 2, lines 40-43, column 4, lines 4-6);
- each fulcra 42 forms part of a hydraulic lash adjuster 46 (column 2, lines 58-62).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over Simko.

Simko discloses a high speed rocker arm comprising a valve train with a plurality of rocker arm fulcra, a plurality of rocker arms attached to and pivotable about fulcra, a camshaft having cam lobes engaging roller followers at the end of rocker arms, the rocker arm being of a U-shaped construction and the valve train or camshaft being constructed separately, and each

Art Unit: 3748

fulcra forms part of a hydraulic lash adjuster. He, however, fails to disclose mounting the camshaft to a carrier before mounting to the cylinder head.

Simko does teach different methods of constructing the rocker arms and valve train arrangement depending on weight requirements, cost, and space considerations (column 3, lines 31-39, lines 48-58 with column 4, lines 1-6). The inclusion of mounting a camshaft to a carrier and then mounting the carrier to the cylinder would have been an obvious choice to one of ordinary skill in the art depending on manufacturing costs and considerations, spatial relationships, etc. Moreover, there is nothing in the record which establishes that the construction and assembly of such a valve train represents a novel or unexpected result (See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)).

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simko in view of Fujii et al. (U.S. Patent 4,762,099).

Simko discloses the rocker arm assembly cited above, however, fails to disclose using a snap-fitted sheet to attach the rocker arm to the fulcrum.

Fujii et al. teach a valve actuating device for a plurality of rocker arms with a spherically shaped pivot portion 25 being held to rocker arms 28, 32 by snap rings 27, 27' (column 3, lines 60-66, column 5, lines 14-25). It would have been obvious to one having ordinary skill in the art at the time of the invention was made, to have utilized the teaching by Fujii et al. in the rocker arm assembly of Simko, since the use thereof would have provided a positive attachment means of the fulcrum pivoting portion to the rocker arm.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of 5 patents.

- Belsanti (U.S. Patent 4,724,805) discloses an engine rocker arm assembly with retainers on each of the rocker arms.

- Wirth et al. (U.S. Patent 4,724,805) disclose an engine valve train module with multiple rocker arms and hydraulic lash adjusters.

- Mills (U.S. Patent 4,913,104) discloses a rocker arm for operating two valves comprising a lifter post as a fulcrum.

- Regueiro (U.S. Patent 5,669,344) discloses a valve train mechanism with multiple rocker arms and a valve train carrier.

- Regueiro (U.S. Patent 5,682,849) discloses a valve train mechanism with multiple rocker arms and a valve train carrier.

### *Communication*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle M. Riddle whose telephone number is (571) 272-4864. The examiner can normally be reached on M-F (07:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3748

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kyle M. Riddle  
Examiner  
Art Unit 3748

kmr

*Thomas Denion*  
THOMAS DENION  
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